

Submitted January 14, 2012
Approved as of
Date January 14, 2012

**MINUTES OF THE ROCKVILLE BOARD OF APPEALS
MEETING NO. 08-11
Saturday, September 10, 2011**

The City of Rockville Board of Appeals convened in regular session in the Mayor and Council Chambers at 9:30 a.m., Saturday September 10, 2011.

PRESENT

**Peter Mork, Chair
Steven Wilcox
Alan Sternstein**

Absent: Stephen Ravas

Present: Cindy Walters, Assistant City Attorney
Jim Wasilak, Chief of Planning
Bobby Ray, Principal Planner
Castor Chasten, Planner III

I. PUBLIC HEARING

No public hearing scheduled.

II. DECISIONS

No decisions.

III. NEW BUSINESS

No new business.

IV. OLD BUSINESS

- A. Rules of Procedure** – The Board and Staff agreed to walk-through Rules of Procedures by section and discuss any changes.

Mr. Chasten stated that the reason to bring the Rules of Procedures to the Board was to make sure there are no conflicts with the updated Zoning Ordinance and to make sure timing of application is consistent with the current Zoning Ordinances.

Ms. Walters then walked through the Rules of Procedures by section. She stated that some of the changes were for ease of reading and clarity and to keep in alignment with the Annotated Code of Maryland, Article 66B.

Some of the items discussed were:

- The Board consists of three voting members and one alternate member. It should be made clear that the alternate attends all meetings (sits and participates) and is empowered to vote in the absence of any member of the Board.
- A draft agenda will be made available to the Board and Public at least 8 days prior to a scheduled hearing; the time and place of BOA hearings will remain at 9:30 on the second Saturday in the Mayor and Council Chambers at Rockville City Hall; there will be no hearings scheduled during the month of August; special meetings can be called; and hearing dates will be posted on the City website.
- A two- member quorum will remain and the Chair has the authority to make or second motions. Ms. Walters explains when there's a two- member quorum a split vote is considered a denial.
- Ms. Walters addressed technical corrections stating that she has reviewed other jurisdiction's Rules of Procedures and all have a phrase/clause indicating technical corrections can be made without having another hearing or notice. It's not inconsistent with what other Boards are doing statewide.
- The Board and Staff discuss the consolidation of reconsideration and rehearing and what constitutes an administrative appeal.
- The definition of expert testimony is discussed with the suggestion that the Board receive a summary of the testimony and copy of the experts resume' ten days prior to the hearing.

Chair Mork moved to accept all of the changes to the Rules of Procedure with the exception of Section VIII. Mr. Sternstein suggested not to make a motion but to revise the Rules of Procedure reflecting all the changes except for Section VIII and its corresponding redline changes.

Ms. Walters will provide a revised draft of current changes.

V. MINUTES

There were no minutes.

VI. FYI

No FYI Information

VII. ADJOURN

There being no further business to come before the Board, The Chair adjourned the meeting at 12:44 p.m.

Respectfully Submitted

Sandra Y. Driver, Commission Secretary